

# **EXHIBIT 1-6**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

NICKELS AND DIMES INC.

Plaintiff,

V.

NOAH'S ARCADE, LLC d/b/a FULL TILT,  
BEN KONOWITZ, AND RYAN HART

Defendants.

CASE NO. 3:23-cv-699

**DEFENDANT, BEN KONOWITZ'S RESPONSES TO PLAINTIFF'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Ben Konowitz, by counsel, submits his response to the Plaintiff's requests for production.

The Defendant, by counsel, objects to all the duties, instructions, definitions and obligations of any type which proceed Plaintiff's First Request for Production to the Defendant, and which Plaintiff attempts to impose on the Defendant. These are not agreed to between the parties under FRCP 29. These responses have been made according to FRCP 26 regarding the scope of discovery, FRCP 34 regarding Responses to Request for Production, and case law interpreting those rules. The Defendant does not agree to any additional duties, instructions, definitions, or obligations in responding to Plaintiff's First Request for Production of Documents.

The Defendant also objects to the lengthy, multiple, separate definitions used by Plaintiff because they make the Request for Production of Documents unduly burdensome, confusing, and not understandable taken alone.

## RESPONSES

**DOCUMENT REQUEST NO. 1:** All Documents and communications evidencing your role, responsibilities and duties in operating the business connected to Noah's Arcade.

**Response:** See Exhibit A. Defendant Ben Konowitz and Defendant Ryan Hart share all responsibilities and there are no responsive documents or communications with separate roles, responsibilities and duties.

**DOCUMENT REQUEST NO. 2:** All Documents and communications concerning Your role in consideration, selection, and adoption of the Domain Name, [www.fulltilt1p.com](http://www.fulltilt1p.com), including but not limited to searches conducted for available domain names and alternative domain names considered by You.

**Response:** See Exhibit B. Defendant Ben Konowitz and Defendant Ryan Hart together searched for the domain name [www.fulltiltjp.com](http://www.fulltiltjp.com) and after finding it available for purchasing, purchased it. There are no responsive documents or communications with separate roles.

**DOCUMENT REQUEST NO. 3:** All Documents and communications sufficient to show any strategic planning by You about Defendant's business model, including but not limited to target customer profiles and estimated geographic reach of the business.

**Response:** See Exhibit C. Defendant Ben Konowitz and Defendant Ryan Hart share all roles, responsibilities and duties and no documents or communications exist regarding individual strategic planning. Additionally, Defendants have never created customer profiles or estimated the geographic reach of their business.

**DOCUMENT REQUEST NO. 4:** All Documents and communications sufficient to show your individual role in selecting, designing and marketing the Challenged Marks.

**Response:** See Exhibit D. Defendant Ben Konowitz and Defendant Ryan Hart share all roles, responsibilities and duties and no documents or communications exist regarding individual roles.

**DOCUMENT REQUEST NO. 5:** All Documents and communications sufficient to show your personal knowledge of Plaintiff and Plaintiff's marks prior to this litigation.

**Response:** Defendant has no documents or communications in his possession that are responsive to this request.

**DOCUMENT REQUEST NO. 6:** All Documents and communications sufficient to show Your role in drafting and filing the trademark applications for the Challenged Marks.

**Response:** Please see Exhibit E. Defendant Ben Konowitz and Defendant Ryan Hart share all roles and no documents or communications exist regarding individual roles.

**DOCUMENT REQUEST NO. 7:** All Documents and communications sufficient to show Your role in making the determination to file trademark applications for the Challenged Marks.

**Response:** Please see Exhibit E. Defendant Ben Konowitz and Defendant Ryan Hart share all roles and no documents or communications exist regarding individual roles.

**DOCUMENT REQUEST NO. 8:** All Documents and communications sufficient to show your individual role in purchasing and selecting domain names [www.fulltiltjp.com](http://www.fulltiltjp.com) and [www.fulltiltjp.com](http://www.fulltiltjp.com).

**Response:** Defendant has no documents or communications in his possession that are responsive to this request. Fulltiltllp.com was available for purchase and was purchased. [www.fulltiltfun.com](http://www.fulltiltfun.com) was also purchased online.

Respectfully submitted,

HUNT SUEDHOFF KEARNEY LLP

/s/ Lyle R. Hardman  
Lyle R. Hardman #16056-49  
205 W. Jefferson Blvd., Suite 300  
P.O. Box 4156  
South Bend, IN 46634-4156  
Telephone: (574) 232-4801  
Fax: (574) 232-9736  
[lharden@hsk-law.com](mailto:lharden@hsk-law.com)

**Certificate of Service**

I certify that a true and exact copy of the foregoing was served upon all parties of record this 18<sup>th</sup> day of June 2024, via email:

**Bradley J Walz PHV**  
TAFT STETTINIUS & HOLLISTER LLP  
2200 IDS Center  
80 S 8th St  
Minneapolis, MN 55402  
612-977-8400  
Fax: 612-977-8650  
[bwalz@taftlaw.com](mailto:bwalz@taftlaw.com)  
*PRO HAC VICE*

**Vivek R Hadley**  
**Christine A Walsh**  
**Jonathan G Polak**  
TAFT STETTINIUS & HOLLISTER LLP  
One Indiana Sq  
Ste 3500  
Indianapolis, IN 46204  
317-713-3500  
Fax: 317-713-3699  
[vhadley@taftlaw.com](mailto:vhadley@taftlaw.com)  
[cwalsh@taftlaw.com](mailto:cwalsh@taftlaw.com)  
[jpolak@taftlaw.com](mailto:jpolak@taftlaw.com)

/s/ Lyle R. Hardman  
Lyle R. Hardman #16056-49